

January 28, 2003



**BAYLOR  
COLLEGE OF  
MEDICINE**

Select Agent Program  
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David R. Miller, Ph.D.  
Director

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Dear Sir/Madam:

I am writing in response to the Centers for Disease Control and Prevention's solicitation for comments on 42 CFR Part 73, Interim Final Rule, Possession, Use, and Transfer of Select Agents and Toxins published in the Federal Register, Vol. 240, No. 67 on Friday, December 13, 2002.

I support the comments and recommendations for 42 CFR Part 73 submitted by the Howard Hughes Medical Institute (HHMI) on January 21, 2003. I have attached a copy of the HHMI "Comments on 42 CFR Part 73" for your reference. Specifically, the basis for my support and endorsement is that the recommendations will ensure the appropriate availability of biological agents and toxins for research, education, and other legitimate purposes and will make the safeguard and security requirements for persons possessing, using, or transferring a listed agent or toxin risk-based. These provisions are requirements of the "Public Health Security and Bioterrorism Preparedness and Response Act of 2002." Generally, the adoption of the recommendations of the HHMI will lessen the administrative burden of the Final Rule, allow for an effective performance-based security plan, and ensure the relevance of the Final Rule to the biomedical research environment.

I appreciate the opportunity to comment on the Interim Final Rule.

Sincerely,

A handwritten signature in cursive script that reads "David R. Miller, Ph.D.".

David R. Miller, Ph.D.  
Director, Office of Environmental Safety  
And Associate Professor  
Baylor College of Medicine

Enclosure: Comments on 42 CFR Part 73, Interim Final Rule  
Possession, Use and Transfer of Select Agents and Toxins